

## COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLANDRICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

me HENDERSON CURTIS LEE, SR.

(Last)

(First)

(Initial)

Prisoner Number H-43488

Institutional Address P.O. BOX 3481 CORCORAN  
CALIFORNIA 93812UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CURTIS LEE HENDERSON, SR.

(Enter the full name of plaintiff in this action.)

vs.

Case No. C 07-2838 SBA PR

J. PETERSON, C. SPEAKER, J.T.

PATCH, M.D. BULLOCK, S.L. THOMPSON

J. MCBRIDE, DA. CHRIST, G. KELLY

K. GETZ, J. BROWN, S. LUCKETT, R. TUPY

M. COOK, K. CRUSE, J. AKIN, J. MONTANA

D. MANDEL, S. WRIGHT, ET AL.

SECOND AMENDED COMPLAINT  
COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
42 U.S.C §§ 1983

[All questions on this complaint form must be answered in order for your action to proceed.]

## I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go  
forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement CORCORAN STATE PRISON

B. Is there a grievance procedure in this institution?

YES (X) NO ( )

C. Did you present the facts in your complaint for review through the grievance  
procedure?

YES (X) NO ( )

D. If your answer is YES, list the appeal number and the date and result of the appeal at

COMPLAINT

- 1 -

1 appeal at each level of review. If you did not pursue a certain level of appeal,  
2 explain why.

3 1. Informal appeal APPEAL\* PRSP 06-02079 WAS BYPASSED TO THE SECOND  
4 LEVEL. APPEAL\* PRSP 06-02922 WAS BYPASSED TO THE SECOND LEVEL.

5 APPEAL LOG PRSP 06-0051 WAS DENIED ON 11/27/06 2. First  
6 formal level APPEAL\* PRSP 06-0051 WAS DENIED AT THIS LEVEL ON  
7 1-24-07.

8  
9 3. Second formal level APPEAL\* PRSP 06-02079 WAS DENIED ON 10-17-06.  
10 APPEAL\* PRSP\* 06-02922 WAS DENIED ON 1-10-07. APPEAL\* 06-0051  
11 WAS DENIED ON 2-9-07. 4 Third

12 formal level APPEAL\* PRSP 06-02079 WAS DENIED ON 1-29-07. APPEAL\*  
13 06-0051 WAS DENIED ON JUL 8, 2007. APPEAL\* 06-02922 WAS DENIED  
14 ON JULY 30, 2007.

15 E. Is the last level to which you appealed the highest level of appeal available to  
16 you?

17 YES (X) NO ( )

18 F. If you did not present your claim for review through the grievance procedure,  
19 explain why. ALL CLAIM HAVE BEEN PRESENTED.

20  
21  
22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,  
24 if any.

25 CURTIS LEE HENDERSON SR CDJR\* H-43488 P.O. BOX 3481  
26 CORCORAN CALIFORNIA 93212.

27  
28 B. Write the full name of each defendant, his or her official position, and his or her

1 J. PETERSON, IS A CORRECTIONAL OFFICER AT  
 2 PELICAN BAY STATE PRISON. HEREAFTER (PBSP) HIS BADGE NO\* IS  
 3 59276 HIS OFFICIAL POST ASSIGNMENT WAS \*271630 AND  
 4 POSITION WAS B5 FLOOR OFFICER\*2 AND SUED IN HIS OFFICIAL  
 5 AND INDEIVIDUAL CAPACITY.

6 C. SPEAKER, IS A CORRECTIONAL OFFICER AT PBSP  
 7 HIS BADGE NO\* IS 47595 HIS OFFICIAL POST ASSINMENT WAS  
 8 ~~371605~~ AND HIS POSITION WAS B5-FLOOR OFFICER\*2 AND IS  
 9 SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

10 J.T. PATCH IS A MEDICAL TECHNICAL ASSISTANT AT  
 11 PBSP HIS BADGE NO\* IS 68730 HIS OFFICIAL POST ASSIGNMENT  
 12 WAS \*374025 AND HIS POSITION WAS FACILITY "B" MEDICAL  
 13 CLINIC AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL  
 14 CAPACITY.

15 M.D. BULLOCK, IS A CORRECTIONAL OFFICER AT PBSP  
 16 HIS BADGE NO\* IS 66514. HIS OFFICIAL POST ASSIGNMENT WAS  
 17 \*371598. AND HIS POSITION WAS B4 FLOOR OFFICER\*2 AND IS  
 18 SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

19 S.L. THOMPSON, IS A CORRECTIONAL SERGEANT AT  
 20 PBSP HIS BADGE NO\* IS 49523 HIS OFFICIAL POST ASSIGNMENT  
 21 WAS \*30375 AND HIS POSITION WAS B1 FACILITY PROGRAM  
 22 SERGEANT AND SUED IN HIS OFFICIAL AND INDIVIDUAL  
 23 CAPACITY.

24 J. MCBRIDE, IS A CORRECTIONAL OFFICER AT PBSP  
 25 HIS BADGE NO\* IS 44198 HIS OFFICIAL POST ASSIGNMENT WAS  
 26 221006. AND HIS POSITION WAS SECURITY SQUAD OFFICER\*6 AND  
 27 IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

1 D.A. CHRIST, IS A CORRECTIONAL LIEUTENANT HIS  
2 BADGE NO\* IS 35940 HIS OFFICIAL POST AT PBSP WAS 370162 AND  
3 HIS POSITION WAS FACILITY LIEUTENANT B YARD. AND IS SUED IN  
4 HIS OFFICIAL AND INDIVIDUAL CAPACITY.

5 G. KELLY IS A CORRECTIONAL CAPTAIN AT PBSP HIS  
6 POST ASSIGNMENT IS UNKNOWN AT THIS TIME. HIS POSITION WAS  
7 B FACILITY CAPTAIN AND IS SUED IN HIS OFFICIAL AND  
8 INDIVIDUAL CAPACITY.

9 K. GETZ, IS A CORRECTIONAL OFFICER HER BADGE  
10 NO\* IS UNKNOWN AT THIS TIME. HER OFFICIAL POST AT PBSP IS  
11 UNKNOWN AT THIS TIME. HER POSITION WAS B7, FACILITY FLOOR  
12 OFFICER. AND SUED IN HER OFFICIAL AND INDIVIDUAL CAPACITY.

13 J. BROWN, IS A CORRECTIONAL OFFICER AT PBSP HIS  
14 BADGE NO\* IS UNKNOWN AT THIS TIME. HIS OFFICIAL POST ~~IS~~ IS  
15 UNKNOWN AT THIS TIME. HIS POSITION WAS B6, FACILITY FLOOR  
16 OFFICER AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

17 S. LUCKETT, IS A CORRECTIONAL OFFICER HIS BADGE  
18 NO\* IS UNKNOWN AT THIS TIME. HIS OFFICIAL POST AT PBSP IS  
19 UNKNOWN AT THIS TIME. HIS OFFICIAL POSITION WAS B7,  
20 FACILITY FLOOR OFFICER. AND IS SUED IN HIS OFFICIAL AND  
21 INDIVIDUAL CAPACITY.

22 R. TUPY IS A CORRECTIONAL LIEUTENANT AT PBSP  
23 HIS BADGE NO\* IS UNKNOWN AT THIS TIME. HIS OFFICIAL POST  
24 IS UNKNOWN AT THIS TIME. HIS OFFICIAL POSITION WAS  
25 "B" FACILITY LIEUTENANT.

26 M. COOK, IS THE ASSOCIATE WARDEN OF THE  
27 GENERAL POPULATION AND SUED IN HIS OFFICIAL AND  
28 INDIVIDUAL CAPACITY.

1 K. CRUSE, IS A CORRECTIONAL COUNSELOR AT  
2 PELICAN BAY STATE PRISON AND SUED IN HIS OFFICIAL AND  
3 INDIVIDUAL CAPACITY

4 J. AKIN, IS A CORRECTIONAL LIEUTENANT AT PBSP  
5 AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

6 J. MOULTON IS A PHD. AT PBSP AND IS  
7 SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

8 D. MANDEL, IS A PHD SUPERVISOR AT PBSP  
9 AND IS SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY

10 S. WRIGHT IS A CORRECTIONAL SERGEANT AT PBSP  
11 FOR THE ADMINISTRATIVE SEGREGATION UNIT AND IS SUED  
12 IN HIS OFFICIAL AND INDIVIDUAL CAPACITY.

### 13 III.

#### 14 STATEMENT OF THE FACTS

15 1). FOR A NUMBER OF YEARS I ~~CHAS~~IS LEE HENDERSON  
16 SR. HAVE BEEN A PATIENT OF THE CORRECTIONAL CLINICAL  
17 CASE MANAGEMENT SYSTEM (CCCMS). AND I HAVE BEEN  
18 INFORMED BY PRISON STAFF THAT I AM EXCLUDED FROM  
19 PBSP SECURITY HOUSING UNIT (SHU) DUE TO MY MENTAL  
20 ILLNESS.

21 2). DUE TO THE ONGOING VIOLENCE AT PBSP I HAD  
22 BEEN REFUSING CELL MATE'S BECAUSE I FEARED FOR MY  
23 SAFETY. AND I INFORMED PRISON OFFICIAL OF THAT FACT  
24 ON NUMEROUS OCCASION'S WHICH HAS BEEN THOROUGHLY  
25 DOCUMENTED. AND I CONTINUE TO INFORM STAFF THAT I  
26 HAVE A RIGHT UNDER THE EIGHTH AMENDMENT OF THE U.S.  
27 CONSTITUTION TO BE REASONABLY PROTECTED AND THAT  
28 SINGLE CELL STATUS PROVIDED THAT PROTECTION.



3). ON OR ABOUT OCTOBER 13<sup>TH</sup>, 2005, I WAS TRANSFERRED TO THE FRESNO COUNTY JAIL FOR AN EVIDENTIARY HEARING ON MY COMMITMENT OFFENSE.

4). ON 2/21/06 I WAS RETURNED TO PBSP AT WHICH TIME I WAS INFORMED BY LIEUTENANT M.L. MILLER, THAT I HAD ENEMIES ON BOTH FACILITIES "A" AND "B". AND I WAS PLACED IN ADMINISTRATIVE SEGREGATION UNIT (ASU) BECAUSE I DID NOT KNOW WHO THESE ENEMIES WERE I CONTINUED TO REFUSE A CELLMATE.

5). ON 3/1/06 I WENT BEFORE THE CLASSIFICATION COMMITTEE WHO'S MEMBERS CONSISTED OF THE CHAIRPERSON F. JACQUEZ, FACILITY CAPTAIN M. SMOLOSKY, LICENSE CASE SOCIAL WORKER (LCSW) B. DAVIS, AND THE RECORDER N. THREM WHO INFORMED ME THAT I WILL REMAIN IN (AD-SEG) ASU DUE TO ENEMY CONCERNS AND PLACED ME ON "S" SUFFIX WHICH STANDS FOR SINGLE CELL STATUS.

6). ON 4/19/06 I WENT BEFORE THE CLASSIFICATION COMMITTEE WHO'S MEMBERS CONSISTED OF THE CHAIRPERSON M. CASTELLAW, FACILITY CAPTAIN P. TERRY, LCSW B. DAVIS AND THE RECORDER N. THREM, WHO AGAIN INFORMED ME THAT I WOULD BE RETAINED IN ASU DUE TO ENEMY CONCERNS AND AGAIN PLACED THE "S" SUFFIX.

7). ON 5/24/06 I WENT BEFORE THE CLASSIFICATION COMMITTEE WHO'S MEMBERS CONSISTED OF THE CHAIRPERSON THE DEFENDANT M. COOK, FACILITY CAPTAIN M. MILLER, PH.D M. ROSS. AND THE RECORDER THE DEFENDANT K. CRUSE. THE DEFENDANT M. COOK IN A THREATENING VOICE AND DEMONSTRATED TOLD ME,

1 "I'M TAKING YOU OFF SINGLE CELL STATUS  
2 AND IM PLACING YOU ON THE YARD SO  
3 DONT BE CRYING ABOUT IT"

4 8). I PROTESTED TO THIS DECISION INFORMING THE  
5 DEFENDANT THAT IT WAS ILLEGAL TO PLACE MY SAFETY, AND  
6 SECURITY IN SUCH DANGER. AND THAT I HAD AN EIGHTH  
7 AMENDMENT RIGHT TO BE PROTECTED. HE SAID,

8 "SO WHAT I DONT CARE ABOUT ALL  
9 THIS LEGAL MUMBO JUMBO YOU'VE  
10 BEEN TALKING ABOUT."

11 9). THE DEFENDANT K. CRUSE SAID TO ME IN A LOUD  
12 VOICE,

13 "STOP CRYING GO OUT THERE AND  
14 BE A MAN HANDLE YOUR BUSINESS"

15 10). THE DEFENDANT'S THEN PLACED ME IN THE GENERAL  
16 POPULATION IN THE CELL 4B-7-122 WITH A KNOWN SEXUAL  
17 PERVERT INMATE CURTIS JACKSON.

18 11). PBSP HAS A PRACTICE IT USES ON SEXUAL PERVERTS  
19 IN ASU THE CELL DOOR IS COVERED WITH A BRIGHT YELLOW  
20 PLEXYGlass WHICH ANNOUNCES TO EVERY ONE THAT THE  
21 OCCUPENT OF THE CELL IS A SEXUAL PERVERT.

22 12). IN THE GENERAL POPULATION A YELLOW WOOD  
23 BLOCK MEASURING ABOUT 4" LONG, x 4" WIDE x 2" THICK  
24 IS LOCKED ONTO THE CELL DOOR. THIS BLOCK WAS NOT  
25 THERE WHEN I WAS FORCED INTO THE CELL AND FORCED  
26 TO SIGN A COMPATIBILITY SLIP UNDER THE THREAT OF  
27 LOSING MY PROPERTY. BUT THE YELLOW BLOCK WAS PUT THERE  
28 AFTER I WAS PLACED IN THE CELL.

13). THIS WAS RETALIATION FOR THE EXERCISE OF MY CONSTITUTIONAL EIGHTH AMENDMENT RIGHT.

14). THE PLACEMENT OF THE BLOCK PUT MY SAFETY IN DANGER AS INMATES LOOK WITH DISFAVOR UPON SUCH INMATES. THE PLACING OF THE YELLOW BLOCK WAS A SPEAKING SILENCE THAT PLACED MY LIFE IN DANGER AS EVERY INMATE KNOWS THE MEANING OF THE YELLOW BLOCK. THE DEFENDANT'S ACTIONS SERVED NO LEGITIMATE GOALS OF THE CORRECTIONAL INSTITUTION AND WAS ARBITRARY AND CAPRICIOUS.

15). I THEN REFUSED TO GO IN THE CELL, AND I WAS PLACED IN A HOLDING CELL FROM 1000 AM UNTIL ABOUT 7 OR 8 P.M.

16). I WAS THEN MOVED TO B BUILDING AND AGAIN I REFUSED A CELLMATE BECAUSE OF MY FEAR OF BEING DOUBLE CELLED.

17). I WAS RETALIATED AGAINST BY MOVING ME TO B BUILDING THE DEFENDANT J. BROWN, ON 7/15/06 THEN BROUGHT INMATE GAITHER T-31937 TO THE CELL AND ORDERED ME TO DOUBLE CELL WITH HIM I INFORMED THE DEFENDANT THAT HIS ORDER WOULD VIOLATE MY CONSTITUTIONAL RIGHTS UNDER THE EIGHTH AMENDMENT

18) THE DEFENDANT J. BROWN THEN ORDERED ME TO DOUBLE CELL WITH INMATE MCCLAIRIN, H-44652 AND AGAIN I REFUSED.

19). THE DEFENDANT J. BROWN THEN RETALIATED BY GIVING ME A RULE VIOLATION REPORT FOR REFUSAL TO OBEY ORDERS AND MOVED ME TO 7 BUILDING.



20). ON MY ARRIVAL TO 7 BUILDING I INFORMED THE DEFENDANT J. BROWN, K. GETZ, AND S. LUCKETT THAT I WILL BE FILING A COMPLAINT BECAUSE THERE ACTIONS ARE UNCONSTITUTIONAL THE DEFENDANT K. GETZ THEN TOLD ME,

"LEARN TO DEAL WITH IT"

AND THEN THE DEFENDANTS K. GETZ AND S. LUCKETT RETALIATED BY CONFISCATING MY TELEVISION AND PLACED ME ON AN UNOFFICIAL AND ILLEGAL "C" STATUS WHICH MEANT THAT I COULD NOT HAVE A T.V. NO CATEEN NO PACKAGES NO PHONE CALLS NO PRIVILEGES.

21). I PROTESTED TO THESE ILLEGAL ACTS AND REQUESTED TO SEE THE SERGEANT BECAUSE AN INMATE CAN ONLY BE PLACED ON "C" STATUS ONLY BY A CLASSIFICATION COMMITTEE AND ONLY FOR REFUSING TO WORK.

22). THE DEFENDANT THEN GAVE ME A RULE VIOLATION FOR DELAYING A PEACE OFFICER. THESE ACTS WERE RETALIATORY FOR THE EXERCISE OF MY FIRST AND EIGHTH AMENDMENT RIGHTS FOR TELLING THE DEFENDANT(S) K. GETZ WHO WROTE THE REPORT THAT I WILL BE FILING A COMPLAINT. IT WAS MEANT TO CHILL THE EXERCISE OF MY RIGHTS.

23). ON 8/6/06 THE DEFENDANT R. TUPY FOUND ME GUILTY OF BOTH RULE VIOLATIONS AND THEN MOVED ME TO 5 BUILDING THIS WAS FURTHER RETALIATION.

24) I WAS MOVED 6 TIMES FROM CELL TO CELL, IT WAS A COLLECTIVE RETALIATORY MEASURE AND NEFARIOUS SCHEME BY ALL THESE DEFENDANTS,

1 TO PRESURE ME INTO RELINQUISHING MY RIGHTS,

2 25). ON AUGUST 16, 2006 THE DEFENDANTS J.  
3 PETERSON AND C. SPEAKER ATTEMPTED TO PLACE ME IN A  
4 DOUBLE CELL SETTING WITH ANOTHER INMATE WHOM IS UNKNOWN  
5 TO ME AT THIS TIME. WHEN I REFUSED THE DEFENDANTS  
6 PLACED ME IN HAND CUFFS AND PUT ME IN A CAGE APPROXI-  
7 MATELY 2 1/2 FEET WIDE, 2 1/2 FEET LONG AND 7 FEET HIGH  
8 WHERE I STAYED FROM 3 P.M. TO ABOUT 6 OR 7 P.M. THE  
9 EXACT TIME IS UNKNOWN TO ME AT THIS TIME. THE DEFENDANTS  
10 THEN CAME TO PLACE ME IN ANOTHER CELL. I INFORMED THE  
11 DEFENDANT S.L. THOMPSON THAT I HAD SAFETY CONCERNS  
12 AND SHOWED HIM AND DEFENDANT PETERSON DOCUMENTATION  
13 THAT CLEARLY SHOWED THAT I HAD ENEMIES ON THE YARD  
14 AND FEARED FOR MY SAFETY AND THAT IS WHY I CHOOSE TO  
15 REMAIN ON SINGLE CELL STATUS.

16 26). THE DEFENDANTS IGNORE MY DOCUMENTATION  
17 MY CONCERNS AND MY CONSTITUTIONAL RIGHTS. THEN  
18 PLACED ME IN CELL B5-112 WHERE AN INMATE UNKNOWN TO  
19 ME BY NAME, WHO'S AKA IS HARRY "O" WAS ASSIGNED. THIS  
20 INMATE TURNED OUT TO BE AN ACTIVE MEMBER OF THE  
21 BLOOD'S STREET GANG. CDCR HAS ME LISTED AS A MEMBER  
22 OF THE CRIPS (WHICH I DENY) ALTHOUGH THE LISTING AS A  
23 CRIP AND PLACING ME IN THE CELL WITH A BLOOD, PUT MY LIFE  
24 IN IMMEDIATE DANGER AND VIOLATED MY SAFETY AND  
25 SECURITY. THE BLOOD INMATE WAS TELLING ME THAT THE C/O'S  
26 (CORRECTIONAL OFFICERS) WAS TRYING TO SET ONE OF US  
27 UP. IT WAS AT THIS TIME I BEGAN HAVING CHEST PAINS.  
28 I NOTIFIED THE DEFENDANT C. SPEAKER,

1 WHO CAME TO THE CELL. I TOLD HIM I WAS HAVING CHEST  
 2 PAINS, AND THAT I NEEDED TO SEE THE MEDICAL TECHNICAL  
 3 ASSISTANT (MTA) I ALSO INFORMED HIM THAT I NEEDED TO  
 4 BE MOVED RIGHT AWAY.

5 27). THE DEFENDANT PETERSON, AND SPEAKER BOTH  
 6 ESCORTED ME TO THE RETUNDA. PETERSON TOLD ME THAT,

7 "I NEEDED TO QUIT FUCKEN  
 8 PLAYING GAMES"

9 AND THE DEFENDANT SPEAKER INSTRUCTED ME TO RAISE MY  
 10 ARMS OUT TO THE SIDE AND TO SPREAD MY LEGS SO THAT  
 11 HE CAN SEARCH ME. I COMPLIED. THE DEFENDANT SPEAKER  
 12 THEN REMOVED FROM MY POCKET MY ADDRESS BOOKLET  
 13 ALONG WITH SOME PAPER NAPKINS. HE THEN THREW THESE  
 14 ITEMS ON THE FLOOR AT MY FEET (I DIDNT THINK ANYTHING  
 15 OF THIS ACTION BECAUSE INMATES ARE ALLOWED TO  
 16 RETRIEVE THERE ITEMS AFTER A SEARCH AND REPOCKET  
 17 THEM) WHEN I SAT DOWN THE DEFENDANT J. PETERSON THEN  
 18 KICKED MY ADDRESS BOOKLET ACROSS THE FLOOR INTO THE  
 19 OFFICE DOORWAY AND SAID;

20 "YOUR NOT GOING TO GET THAT"

21 I ASKED HIM "WHY?" HE SAID,

22 "IF YOU WANT TO PLAY GAMES  
 23 I CAN PLAY TOO"

24 I TOLD HIM THAT THERE ARE VERY IMPORTANT PAPERS  
 25 ADDRESSES AND PHONE NUMBERS OF FAMILY HE THEN BECAME  
 26 VERY HOSTILE. I WAS SITTING IN A CHAIR AT THIS TIME  
 27 AND HE CAME AND STOOD RIGHT IN FRONT OF ME AND YELLED

28 "FUCK THAT I THOUGHT YOU WAS,

1 HAVING CHEST PAINS."  
2 AND I YELLED BACK "WHY ARE YOU TREATING ME THIS WAY?"  
3 THIS DEFENDANT INTENTIONALLY DEPRIVED ME OF MY  
4 ADDRESS BOOK WITHOUT DUE PROCESS OF LAW AND WAS  
5 RETALIATION FOR THE EXERCISE OF MY FIRST, AND EIGHTH  
6 AMENDMENTS AND THE EQUAL PROTECTION CLAUSE OF THE  
7 FOURTEENTH AMENDMENT RIGHT TO REMAIN IN CONTACT  
8 WITH FAMILY, LAWYERS, INVESTIGATORS AND THE COURT.  
9 BECAUSE WITHOUT THOSE ADDRESSES I COULDN'T CONTACT  
10 ANYONE. AND THE ONLY COURT I COMMITTED TO MEMORY WAS  
11 THE DEL NORTE COUNTY SUPERIOR.  
12 2B) I THEN GOT UP ~~OFF~~ THE CHAIR WALKED AROUND  
13 THE DEFENDANT SPEAKER, AND I BELIEVE I EVEN SAID  
14 EXCUSE-ME AND BENT OVER TO PICK UP MY ADDRESS  
15 BOOKLET. THE DEFENDANT SPEAKER GRABBED MY LEFT ARM  
16 AND THE DEFENDANT PETERSON PULLED OUT HIS BATON  
17 AND WITH BOTH HANDS DROVE IT INTO MY BACK LIKE A  
18 STAKE AS I WAS BENT OVER PICKING UP MY PROPERTY. THE  
19 DEFENDANT SPEAKER THEN HELD ON TO MY LEFT ARM WITH  
20 HIS LEFT HAND. HE THEN PULLED HIS BATON AND HIT ME AT  
21 THE BASE OF MY SKULL MY NECK AND SHOULDER BLAIDS.  
22 THE DEFENDANT PETERSON HAD STARTED HITING ME ON MY  
23 THIGHS. I WAS PLEADING FOR THEM TO STOP I SAID  
24 "ALRIGHT ALRIGHT, STOP STOP" BUT THEY CONTINUED TO  
25 ASSAULT ME. I MANAGED TO GET FREE OF THE DEFENDANT  
26 SPEAKERS HOLD ON MY ARM I THEN STEPPED AS FAR  
27 AWAY AS I COULD FROM THE TWO DEFENDANTS TO PREVENT  
28 FROM BEING BEATEN ANY WORSE.



1 AND EVENTHOUGH I MISTAKENLY CALLED HIM LIEUTENANT  
2 MCKINNEY, HE KNEW I WAS TALKING TO HIM. HE LOOKED RIGHT  
3 AT ME WE MADE EYE CONTACT, JUST AS I DID WITH LIEUTENANT  
4 CHRIST. HE LOOKED AROUND DUMBFOUNDEDLY AND WALKED  
5 RIGHT OUT THE DOOR FOLLOWING THE DEFENDANT CHRIST. THIS  
6 DEFENDANT JUST STOOD BY AND LET AN UNLAWFUL BEATING  
7 TO CONTINUE HE WAS THE HIGHEST RANKING OFFICIAL HE HAD  
8 THE OPPORTUNITY AND AUTHORITY TO STOP THE BEATING AND  
9 CHOOSE TO DO NOTHING. THIS ALSO AMOUNTS TO DELIBERATE  
10 INDIFFERENCE IT WAS A SPEAKING SILENCE TO THE  
11 DEFENDANT TO CONTINUE. BECAUSE THEY PAUSED WHEN I  
12 PLEADED FOR HELP AND THEY TO LOOKED AT THE DEFENDANT  
13 KELLY TO SEE IF HE WOULD SAY OR DO ANYTHING TO AID ME.  
14 WHEN HE WALKED OUT THEY CONTINUED. BOTH DEFENDANTS  
15 CHRIST AND KELLY WERE STANDING ABOUT 10 TO 12 FEET  
16 AWAY FROM WHERE I WAS ON THE GROUND.

17 33). THEN I SEEN J. MCBRIDE STANDING DIRECTLY  
18 OVER ME HOLDING A CAMERA AND A SOFT COVER BRIEF CASE  
19 AND I SAID TO HIM THAT HE KNOWS THAT I SHOULD NOT BE  
20 TREATED THIS WAY HE LOOKED AT ME LIKE HE DIDNT EVEN  
21 KNOW WHO I WAS. AND IN SPIE OF THE FACT THAT WE'VE  
22 KNOWN EACH OTHER FOR YEARS HE DID NOTHING TO PROTECT  
23 ME. I TRULY BELIEVED THAT. ALL THESE YEARS I KNOWN HIM  
24 THAT HE WAS ONE OF THE GOOD GUYS THAT DAY ON AUGUST 16,  
25 2006 I LEARNED OTHERWISE. AND IT AMOUNTED TO DELIBE-  
26 RATE INDIFFERENCE AND VIOLATED MY RIGHTS UNDER THE  
27 UNITED STATES CONSTITUTION 8TH AND 14TH AMENDMENT TO  
28 EQUAL PROTECTION.



1 34). I THEN HEARED LAUGHTER AND NOTICE TO  
2 FEMALE MEDICAL ASSISTANTS LAUGHING AT ME. WHEN I  
3 REALIZED NO-ONE WOULD STOP THE ASSUALT ON ME I  
4 PLEADED WITH THEM "JUST DONT KILL ME" I SAID BECAUSE  
5 I WAS SO SCARED THAT I BELIEVED THAT THAT'S WHAT THEY  
6 WERE TRYING TO DO.

7 35). THE DEFENDANT BULLOCK THEN PULLED ME  
8 UP TO MY FEET BY THE HANDCUFF CHAIN LINKS AND  
9 FORCEFULLY RUSHED ME OUT TO THE MINI YARD AND  
10 FORCED ME UNDER A SHOWER WITH FREEZING COLD WATER  
11 THEN HE AND ANOTHER OFFICER RUSHED ME ACROSS THE  
12 PRISON YARD TO THE PROGRAM OFFICE I COULDN'T WALK  
13 AT THIS TIME BECAUSE THEY REMOVED THE BRACE FROM MY  
14 RIGHT ANKLE AND MY RIGHT SHOE WAS MISSING. THE LEG  
15 IRONS WERE ON SO TIGHT THEY CUT INTO MY TENDON OF  
16 MY LEFT ANKLE. SO I WAS HALF DRAGED HALF LIMPED  
17 ALL THE WAY TO THE PROGRAM OFFICE ABOUT 320-400  
18 FEET I WAS PLACED IN THE SAME CAGE AS MENTIONED  
19 IN (25).ABOVE).

20 36). WHEN I ARRIVED, THERE WAS TWO OTHER  
21 INMATES IN OTHER CAGES, ONE I HAVE OBTAINED AN  
22 AFFIDAVIT FROM, THE OTHER IS UNKNOWN TO ME AT THIS TIME  
23 (BUT CAN BE NAMED THROUGH DISCOVERY) WHEN THE  
24 DEFENDANTS PLACED ME IN THE CAGE I ASKED FOR THE  
25 MTA AND TOLD THEM I COULDN'T FEEL MY ARM'S THESE  
26 DEFENDANTS JUST WALKED OUT. DENYING ME MEDICAL  
27 TREATMENT. THE TWO INMATES BEGAN BANGING ON THE  
28 CAGES TO GET THE MTA, AND HANDCUFFS REMOVED.

1 THE DEFENDANTS CAME BACK AND TOOK ME TO ANOTHER  
2 PART OF THE INSTITUTION AND ONCE AGAIN I WAS HALF  
3 DRAGED HALF LIMPED FROM B YARD TO A YARD.

4 37). THE DEFENDANT J.T. PATCH FALSIFIED THE  
5 MEDICAL REPORT 7219 STATING THAT I HAD NO INJURIES  
6 THIS WAS DONE TO COVER UP THE ASSAULT ON ME. HE  
7 VIOLATED MY RIGHTS TO MEDICAL TREATMENT. AND FALSIFICA-  
8 TION OF AN OFFICIAL MEDICAL REPORT TO JUSTIFY NOT GIVING  
9 ME MEDICAL TREATMENT IS A VIOLATION OF PENAL CODE  
10 SECTION 134. HE KNEW I HAD SERIOUS INJURIES HE WAS  
11 STANDING THERE WATCHING AS I WAS BEATEN BUT KEEP  
12 THAT OFF THE REPORT SO THE DEFENDANTS WOULD ESCAPE  
13 LIABILITY.

14 38). UPON BEING HALF DRAGED TO A YARD, THE  
15 DEFENDANT BULLOCK CONTINUED TO THREATEN ME, HE TOLD  
16 ME IF I LOOKED AT HIM "HE WOULD TAKE ME DOWN TO THE  
17 GROUND" I WAS SHAKING AND SNEEZING FROM THE COLD  
18 AIR AND FREEZZING SHOWER WATER I WAS FORCED UNDER  
19 HE TOLD ME IF I DIDNT STOP "HE WOULD TAKE ME DOWN TO  
20 THE GROUND AND ASSURED ME I WOULDNT LIKE IT."

21 39) WHEN I ARRIVED TO A YARD A TAYLOR PSYCH-  
22 TECH GAVE ME 4 ASPRINS AND DOWN PLAYED MY INJURIES  
23 BY STATING THAT I HAVE TO SMALL ABRAISIONS ON MY BACK.

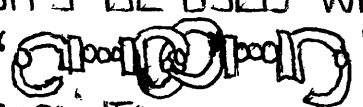
24 40). THAT SAME NIGHT I ATTEMPTED TO NOTIFY THE  
25 DEL NORTE COUNTY SUPERIOR COURT BY SENDING THEM A  
26 LETTER IN FACT I COULDN'T USE MY HANDS WELL AND I  
27 SIMPLY WROTE ON A PEACE OF PAPER "THEY TRYING TO KILL ME"  
28 I WAS TRYING TO ESTABLISH THAT IF I DID IN FACT DIE,

1 FROM MY WOUNDS, THAT IT WAS NO FAULT OF MY OWN. I  
 2 GAVE THE LETTER TO OFFICER CUSIAC SEALED AND SIGNED  
 3 BY HIM.

4 41). ON 8-17-06, M.T.A. GURUSE, KNOWN TO ME AS,  
 5 VICK., WAS MAKING HIS MORNING ROUNDS HE SEEN ME AND  
 6 THE BAD SHAPE I WAS IN. AND ORDERED THAT I BE BROUGHT  
 7 OUT FOR FULL EVALUATION HE COMPLETED A 7219 MEDICAL  
 8 REPORT OF ALL MY INJURIES. AND THAT REPORT IS NOW  
 9 MISSING. HE PLACED ME ON THE EMERGENCY DOCTORS LINE  
 10 AND BANDAGED MY WOUNDS. HE ALSO HAD ME TO WRITE A  
 11 COMPLETE SYNOPSIS OF HOW I GOT MY INJURIES. IT TOOK ME  
 12 A WHILE TO WRITE IT BECAUSE OF THE NERVE DAMAGES TO  
 13 MY HANDS AND THE PAIN I WAS IN. EVEN NOW I AM IN  
 14 EXTREME PAIN AS I WRITE THIS SECOND AMENDED COMPLAINT.  
 15 BECAUSE OF THE SERIOUSNESS OF MY INJURIES A VIDEO WAS  
 16 MADE ~~AND~~ AND AN INVESTIGATION INTO STAFF UNNECESSARY  
 17 USE OF EXCESSIVE FORCE WAS ORDERED.

18 42). ON 8-17-06 DEFENDANT D.A. CHRIST CONDUCTED  
 19 THE INVESTIGATION. I OBJECTED ON THE GROUNDS THAT HE  
 20 WAS INVOLVED IN THE ISSUE BEING INVESTIGATED HE WAS ON  
 21 SIGHT WATCHING AS I WAS BEATEN AND WAS THEREFORE  
 22 DISQUALIFIED. HOWEVER HE DID SO ANYWAY TO COVER UP HIS  
 23 COWORKERS ASSAULT ON ME AND FOUND IN FAVOR OF HIM-  
 24 SELF AND HIS CODEFENDANTS. SURELY THIS COURT SEES THE  
 25 INHERENT BIAS IN THIS DEFENDANT. HE PREDETERMINED THE  
 26 GUILT OR INNOCENCE BEFORE THE INVESTIGATION STARTED. (IT'S  
 27 LIKE THE FIRE MARSHAL INVESTIGATING AN ARSON FIRE CAUSED BY  
 28 HIS COWORKER IN WHICH HE HIMSELF WATCHED BURN.)

1 43). I WAS GIVEN A 115 RULE VIOLATION REPORT  
 2 FOR BATTERY ON A PEACE OFFICER BY THE DEFENDANT SPEAKER  
 3 IT WAS ENTIRELY FALSE. BUT THE HEARING OFFICE FOUND ME  
 4 GUILTY ANYWAY. THIS WAS A CONTINUING EFFORT BY THESE  
 5 DEFENDANTS TO RETALIATE AGAINST ME FOR THE EXERCISE  
 6 OF MY FIRST AND EIGHTH AMENDMENT RIGHT.

7 44). ON 8-18-06 I WAS SEEN BY DOCTOR JAIN,  
 8 M.D. I WAS PLACED ON DRESSING CHANGE FOR THE WOUNDS  
 9 I SUSTAINED ON MY BACK AND LEFT WRIST. X-RAYS  
 10 REVEIELED A DAMAGED BONE IN MY RIGHT HAND AND I  
 11 HAVE NERVE DAMAGE SO EXTENSIVE THE DOCTOR ORDERED  
 12 THAT TO PAIR OF HANDCUFFS BE USED WHEN I AM HANDCUFFED  
 13 IN THIS ILLUSTRATION " " I AM ALSO RE-  
 14 QUIRED TO WEARE WRIST SPLINTS.

15 45). ON 8-22-06 THE DEFENDANT SPEAKER CAME  
 16 TO MY CELL A2-128 TO HARASS ME. CALLING ME A DRUG  
 17 ADDICT SAYING I MUST OF SMOKED CRACK WHEN I WAS  
 18 YOUNG BUT I NEVER SMOKED CRACK IN MY LIFE.

19 46). ON 8-23-06 I REQUESTED A CDC 119 QUERY  
 20 WHICH IS A COMPUTER TRACKING OF ALL INDIVIDUAL INMATES  
 21 OUTGOING AND INCOMING LEGAL MAIL TO AND FROM THE COURTS.  
 22 IT SHOWED THAT THE LEGAL MAIL I SENT TO THE DEL NORT  
 23 SUPERIOR COURT BY GIVING IT TO C/O COSIAC NEVER WENT  
 24 OUT TO THE COURT. THE MAIL ROOM PERSONNEL ALSO INFORMED  
 25 ME THAT " YOU HAVE NO RECORD OF ANY COURTS, BOC. WARDEN  
 26 CERTIFIED GOING OUT "

27 47). I WAS AGAIN SUBJECTED TO HARASSMENT BY THE  
 28 DEFENDANT SPEAKER ON 8-25-06, 8-26-06 AND 8-29-06.



1 48). ON 8-31-06 I WAS HARASSED BY THE DEFENDANT  
 2 J. PETERSON, WHO CAME TO MY CELL A2-128 WITH A PROPERTY  
 3 INVENTORY SLIP. AND TOLD ME I HAD TO MAIL SOME PROPERTY  
 4 HOME. I TOLD HIM TO SEND MY PROPERTY TO THE ASU  
 5 PROPERTY OFFICER C/O TURNER AND I WILL DEAL WITH HIM  
 6 HE STATED NO AND THAT HE HAD A BOX AND TRUST WITHDRAWAL  
 7 FORM READY FOR ME TO SIGN. WHEN I ASKED HIM TO GET  
 8 AWAY FROM MY DOOR HE BECAME AGITATED AND MENTION  
 9 THE FACT THAT I FILED A FORMAL COMPLAINT AGAINST HIM  
 10 AND SAID THAT

11 "YOU KNOW WHAT'S GOING TO  
 12 HAPPEN YOU KNOW HOW IT GOES?"

13 I TOOK THIS AS A THREAT AGAINST MY PERSON AND MORE  
 14 RETALIATION. SO I TURNED OFF MY CELL LIGHT AND TOLD  
 15 HIM TO GET THE FUCK AWAY FROM ME.

16 49). ON 9-14-06 THE DEFENDANT J. MCBRIDE CAME  
 17 TO MY CELL A2-128 AND ASKED ME IF I WAS ALRIGHT. I  
 18 TOLD HIM THAT I WAS DISAPPOINTED IN HIM BECAUSE HE COULD  
 19 HAVE STOPPED THEM FROM BEATING ME. HE SAID,

20 "WHAT COULD I DO A SERGEANT  
 21 (TOMPSON) LIEUTANANT (CHRIST)  
 22 AND A CAPTAIN (KELLY) WAS  
 23 RIGHT THERE"

24 I TOLD HIM WHAT HAPPEND ABOUT ME GETTING MY ADDRESS  
 25 BOOK AND BEING BEATTEN FOR IT. HE SAID,

26 "YEAH I KNOW THATS WHAT THEY TOLD  
 27 US. WE GOT CALLED IN AND CHEWED  
 28 OUT"



1 I ASKED HIM WHY HE DIDNT TAKE PHOTOS OF MY INJURIES  
 2 HE SAID HE WAS TOLD THAT I DIDNT HAVE ANY INJURIES.

3 50). ON 11-22-06 I WENT BEFORE THE INSTITU-  
 4 TION CLASSIFICATION COMMITTEE WHO'S MEMBERS CONSISTED  
 5 OF THE DEFENDANT M. COOK, J. AKIN, J. MOULTON PHD,  
 6 AND K. CRUSE. I ENFORMED THE DEFENDANTS THAT I  
 7 FILED A COMPLAINT AGAINST THERE CODEFENDANT FOR  
 8 FALSELY CHARGING ME AND RETALIATING. AND BECAUSE  
 9 THE DEFENDANT M. COOK IS THE ~~CHIEF~~ DISCIPLINARY  
 10 OFFICER I ASKED HIM IF HE-ET-LEAST READ THE REPORT  
 11 BEFORE HE SIGNED HIS NAME TO IT. HE BECAME VERY  
 12 ANGERY AND IN A LOUD CONTEMPTFUL VOICE SAID

13 "OH YOUR A SMART ASS, WE'LL  
 14 SEE HOW YOU LIKE IT WHEN WE  
 15 TRANSFER YOU TO PELICAN BAY  
 16 SHU."

17 I TOLD HIM THAT I WAS ONLY QUESTINING THE REPORT. AND  
 18 THAT I AM EXCLUDED FROM PBSP SHU ~~TO~~ DUE TO MY  
 19 MENTAIL ILLNESS. THE DEFENDANT AKIN STATED,

20 "YOU DISREPECTING THE MAN"

21 THE DEFENDEN COOK THEN STATED TO THE DEFENDANT  
 22 MOULTON

23 "MR. MOULTON, YOU CAN CLEAR HIM  
 24 FOR PELICAN BAY SHU CANT YOU"

25 THE DEFENDANT MOULTON STATED,

26 "YES I CAN DO THAT"

27 THE DEFENDANT CRUSE THEN STATED TO ME,

28 "SEE WHAT YOU DONE, GOT ANY ELSE SMART TO SAY"

1 30). THESE DEFENDANTS USED FORCE MALICIOUSLY  
 2 AND SADISTICALLY TO CAUSE HARM IN RETALIATION FOR THE  
 3 EXERCISE OF MY FIRST AND EIGHT AMENDMENT RIGHTS.  
 4 THESE WERE VENGEFUL ACTS OF A FRUSTRATED PRISON  
 5 GAURDS DUE TO MY CONTINUED REFUSAL TO DOUBLE CELL  
 6 AND INFORMING THESE DEFENDANTS THAT ILL FILE A  
 7 COMPLAINT. THERE WAS NO PENOLOGICAL JUSTIFICATION  
 8 FOR THIS UNNECESSARY AND EXCESSIVE USE OF FORCE. AND  
 9 IT AMOUNTED TO A VIOLATION OF MY EIGHTH AMENDMENT  
 10 RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT  
 11 AND VIOLATED MY EQUAL PROTECTION TO THAT RIGHT, UNDER  
 12 THE 14TH AMENDMENT OF THE US CONSTITUTION.

13 31). I THEN LOOKED AND SEEN THE DEFENDANT  
 14 LIEUTENANT D.A CHRIST AND ASKED HIM, NO I PLEADED FOR  
 15 HIM TO TAKE CHARGE OF THE SITUATION HE LOOKED RIGHT AT ME  
 16 WE MADE EYE CONTACT AND HE WALKED RIGHT OUT THE DOOR  
 17 AND ALLOWED THEM TO CONTINUE TO ASSAULT ME. THIS  
 18 SUPPERVISOR JUST STOOD BY AND LET AN UNLAWFUL BEATING  
 19 TO CONTINUE. EVENTHOUGH HE HAD THE OPPORTUNITY AND  
 20 AUTHORITY TO STOP THE BEATING. THIS AMOUNTS TO DELIBERATE  
 21 INDIFFERENCE IT WAS A SPEAKING SILENCE TO THE DEFENDANTS  
 22 THAT THEY HAD HIS APPROVAL TO CONTINUE.

23 32). I THEN LOOKED AND SEEN WHOM I BELIEVED AT  
 24 THAT TIME WAS "LIEUTENANT MCKINNEY." I LATER FOUND OUT  
 25 THAT-THAT PERSON WAS CAPTAIN G. KELLY. I CALLED HIM  
 26 LIEUTENANT MCKINNEY BECAUSE HE AND CAPTIN KELLY RESEMBLE  
 27 EACH OTHER. I ALSO PLEADED WITH HIM TO TAKE CONTROL OF  
 28 THE SITUATION.

1 51). ON 11-22-06 I FILED A 602 APPEAL ON  
 2 THESE DEFENDANTS. J MOUTON PHD TOLD ME ON 11-27-06  
 3 "YOUR PROBLEM IS WITH AW COOK  
 4 NOT WITH ME?"

5 52). I EXPLAINED TO THESE DEFENDANTS THAT I HAD  
 6 BRAIN SURGERY AS A TEEN AND HAVE A METAL PLATE IN MY  
 7 HEAD AND ON PSYCHIATRIC MEDICATION.

8 53). ON 1-24-07 I SEEN THE DEFENDANT MANDEL  
 9 PHD. WHO DENIED MY APPEAL AND ALSO TOLD ME THAT THE  
 10 DEFENDANT COOK WAS IN CHARGE OF CUSTODY AND  
 11 "WHERE HE WANTS YOU IS WHERE  
 12 YOU'LL BE?"

13 54). ON 2-14-07 MY APPEAL WAS AGAIN DENIED  
 14 AND THIRD LEVEL DENIED IT ON 6-8-07.

15 55). THE DEFENDANT COOK, MANIPULATED MY CRITERIA  
 16 AS CCMS EXCLUSION FROM PBSP SHU IN RETALIATION FOR  
 17 THE EXERCISE OF MY FIRST AMENDMENT RIGHT.

18 56). WHILE AWAITING THE THIRD LEVEL RESPONSE, THE  
 19 DEFENDANTS ACTIONS OF APPROVING ME FOR PBSP SHU AS  
 20 RETALIATION CAUSED MY MEDICATION TO BE STOPPED. I THEN  
 21 WENT INTO A DEEP DEPRESSION FROM DEALING WITH THE  
 22 RETALIATION FROM THESE DEFENDANTS ADDED WITH THE  
 23 DEATH OF MY MOTHER ON 9-28-05, AND THE DEATH OF MY BROTHER  
 24 ON MAY 17, 2006.

25 57). ON OR ABOUT MARCH 1, 2007 I WAS TRANS-  
 26 FERRED TO PELICAN BAY SHU. AFTER ATTEMPTING SUICIDE  
 27 I WAS TRANSFERRED TO PBSP INFIRMARY FOR SUICIDE  
 28 PREVENTION PROGRAM.

1 AND WHEN I WAS ONCE AGAIN BACK ON MEDICATION AND  
2 STABLE I WAS SENT BACK TO PBSP SHU.

3 58). ON APRIL 12, 2007, I NOTIFIED THE UNITED  
4 STATES DISTRICT JUDGE THELTON HENDERSON AND THE  
5 SPECIAL MASTER JOHN HAGAR ABOUT THE RETALIATION  
6 AGAINST ME AND THAT THE DEFENDANTS VIOLATING THE  
7 COURT ORDERS IN THE MADRID V. TILTON, C-90-3094 T.E.H.

8 59). I ALSO WROTE STEVEN FAMA FROM THE PRISON  
9 LAW OFFICE WHO RESPONDED ON 4-20-07 INFORMING ME  
10 THAT I WAS A MEMBER IN THE CLASS ACTION OF MADRID.  
11 AND THAT HE CONTACTED THE ATTORNEY GENERAL ABOUT MY  
12 CASE FACTORS.

13 60) ON 4-25-07 I WAS OUT OF MY CELL C11-108  
14 FOR AN INTERVIEW WITH MR. DOUGLAS WHO IS A LICENSE CASE  
15 SOCIAL WORKER (LCSW). I THEN SEEN C/O CUSIAC, THE OFFICER  
16 WHO FAILED TO SEND OUT MY LEGAL MAIL OUT ON 8-16-06. I  
17 ASKED HIM WHY HE DID NOT SEND OUT MY LEGAL MAIL, AND  
18 I INFORMED HIM OF THE COMPUTER 119-QUERY PROCEEDURE  
19 IN THE MAIL ROOM. WHICH IS A TRACKING PROCESS OF ALL  
20 INCOMING AND OUTGOING LEGAL MAIL OF INDIVIDUAL INMATES  
21 HE THEN TOLD ME IN FRONT OF MR. DOUGLAS, THAT AFTER  
22 TAKING MY LEGAL MAIL "HE TOOK IT TO THE DEFENDANT SER-  
23 GENT WRIGHT WHO THEN BROKE THE SEAL OPENED IT AND  
24 READ ITS CONTENTS AND THEN THREW MY LEGAL MAIL AWAY"  
25 I COULDN'T BELIEVE HE WAS ACTUALLY TELLING ME THE TRUTH  
26 I SAID TO MR. DOUGLAS "DO YOU HEAR THIS" HE SAID YEAH  
27 I TOLD MR DOUGLAS TO WRITE IT DOWN IN HIS NOTE BOOK  
28 BECAUSE I MAY BE CALLING HIM AS A WITNESS,



1 THE DEFENDANT PETERSON THEN PULLED OUT  
2 HIS O.C. PEPPER SPRAY AND SPRAYED A LONG BURST OF  
3 ABOUT 7 TO 9 SECONDS I THEN LAID DOWN ON THE GROUND  
4 IN HOPES THAT THEY WOULD STOP THERE ASSAULTIVE  
5 BEHAVIOR THE DEFENDANT PETERSON THEN JUMPED DOWN  
6 ON MY BACK WITH ALL OF HIS BODY WEIGHT AND THE  
7 DEFENDANT SPEAKER DID THE SAME TO MY LEGS THEY DELIBERATELY  
8 PLACED THE HANDCUFFS ON WRONG AND SO TIGHT THAT I LOST  
9 CIRCULATION IN MY LEFT ARM AND THE HAND CUFFS CUT  
10 DEEP INTO MY SKIN.

11 29). AT NO TIME DID I HIT, KICK, SWING, OR PUNCH  
12 THESE DEFENDANTS. THE ONLY TIME I ATTEMPTED TO DEFEND  
13 MYSELF WAS WHEN I PUT MY HANDS IN FRONT OF MY FACE  
14 TO PREVENT FROM BEING SPRAYED. AND AT THAT TIME I  
15 WAS AT LEAST 5 TO 7 FEET AWAY FROM THESE DEFENDANTS.  
16 THE DEFENDANT SPEAKER THEN TOLD THE DEFENDANT M.D.  
17 BULLOCK TO HOLD ME DOWN WHILE HE WENT TO WASH OFF  
18 SOME O.C. SPRAY THAT GOT ON HIM. EVENTHOUGH I WAS  
19 NOT RESISTING AND THERE WAS NO NEED TO HOLD ME DOWN  
20 THE DEFENDANT M.D. BULLOCK THEN JUMPED DOWN ON MY  
21 BACK, GRABBED MY HEAD AND VIOLENTLY WRENCHING IT TO  
22 THE LEFT SLAMMING THE RIGHT SIDE OF MY FACE TO THE  
23 CONCRETE FLOOR AND THEN PUNCHED ME IN THE LEFT SIDE  
24 OF MY JAW, AND PLACED AN ENORMOUS AMOUNT OF  
25 PRESSURE ON MY HEAD. I COULD NOT EVEN DEFEND  
26 MYSELF IF I WANTED TO, I WAS IN HANDCUFFS APPLIED  
27 IN SUCH A WAY THAT COMPLETELY STOPED THE BLOOD FLOW TO  
28 MY HANDS AND I WAS IN LEG IRONS.



1 TO THE FACT THAT THIS OFFICER ADMITTED THAT THE DE-  
 2 FENDANT SERGEANT WRIGHT OBSTRUCTED MY 1ST AMENDMENT  
 3 RIGHT TO CORRESPOND WITH THE COURTS, BY DESTROYING MY  
 4 LEGAL MAIL IN RETALIATION FOR NOTIFYING THE COURTS AND  
 5 TO KEEP THE PUBLIC AND HONORABLE JUDICIAL ADMINISTRATION  
 6 FROM KNOWING THAT I WAS BEATEN.

7 61). ON 5-3-07 I RECEIVED NOTICE FROM  
 8 BEVERLY CORONADO, ASSISTENT TO THE SPECIAL MASTER  
 9 JOHN HAGAR IN THE MADRID CASE id INFORMING ME THAT,  
 10 THE HONORABLE THELTON E. HENDERSON, AND SPECIAL MASTER  
 11 WAS IN RECEIPT OF MY CORRESPONDENCE CONCERNING MY  
 12 MENTAL HEALTH. AND THAT THE ISSUE MUST NOW BE REVIEWED  
 13 BY THE PRISON LAW OFFICE. WHICH WAS ALREADY IN PROCESS.

14 62). SOON THEREAFTER THE DEPUTY ATTORNEY GENERAL  
 15 MIKE JORGENSEN, ORDERED AN IMMEDIATE REVIEW OF MY  
 16 MENTAL HEALTH. IT WAS DETERMINED THAT MY SHU PLACEMENT  
 17 WAS NOT CONSISTENT WITH COURT ORDERS THAT REQUIRE PBSP  
 18 TO USE AND COMPLY WITH HEALTH CARE POLICIES AND PROCEDURES  
 19 SO THAT ADEQUATE CARE WAS PROVIDED. I WAS THEN IMME-  
 20 DIATELY MOVE FROM SHU AND PLACED BACK IN CCLMS  
 21 ADMINISTRATIVE SEGREGATION. AND ORDERED TO BE  
 22 TRANSFERED TO CORCORAN STATE PRISON WHERE MY MENTAL  
 23 HEALTH CONCERNS CAN BE ADEQUATILLY ADDRESSED.

24 63). ON 5-22-07 I HAD TO UNDERGO MORE PAIN BY  
 25 ELECTRO SHOCK. WHEN I WAS EXAMINED BY NEUROLOGY  
 26 CONSULTANT LARRY J. MAUKONEN ELECTRICITY WAS THE ONLY WAY  
 27 TO DETERMAIN THE EXTENT OF DAMAGE CAUSE TO MY NERVES IN  
 28 MY WRISTS. HE RECOMENDED THAT I BE SEEN BY A SURGEON,

1 TO CORRECT THE DAMAGE HIS FINDINGS ARE AS FOLLOWS:

2 " NERVE CONDUCTIVE STUDIES WERE CARRIED OUT.  
3 THEY REVEAL BILATERAL ULNAR NEUROPATHIES AT  
4 THE ELBOWS, RIGHT WORSE THAN LEFT, WITH MODERATE  
5 SLOWING OF THE RIGHT ULNAR MOTOR CONDUCTION  
6 VELOCITY ACROSS THE ELBOW AT 34 M/S. AND MILD  
7 SLOWING OF THE LEFT ULNAR MOTOR CONDUCTION  
8 VELOCITY ACROSS THE ELBOW AT 46 M/S. ALL OF HIS  
9 DISTAL LATENCIES BOTH MOTOR AND SENSORY ARE  
10 PROLONGED, THIS IS SLIGHTLY WORSE FOR THE ULNAR  
11 SENSORY LATENCIES AT THE WRIST. LEAST AFFECTED  
12 ARE THE RADIAL CENTRAL LATENCIES AT THE WRIST  
13 MUCH OF THIS PROLONGATION CAN PROBABLY BE  
14 ACCOUNTED FOR BY THE COOLNESS OF HIS HANDS,  
15 ALTHOUGH IT IS POSSIBLE THAT HE HAS SOME EN-  
16 TRAPMENT PARTICULARLY OF THE ULNAR NERVE AT  
17 HIS WRIST IN VIEW OF THE DEGREE OF SWELLING  
18 FOUND IN THESE STUDIES."

19 64). ON JULY 11, 2007, I WAS TRANSFERED TO  
20 CORCORAN STATE PRISON.

21 65). BECAUSE OF THIS BRUTAL ASSAULT ON ME I  
22 SUFFERED HEADACHES FROM BEING HIT AT THE BASE OF MY  
23 SKULL, MY JAW GETS LOCKED IN THE OPEN POSITION WHENEVER I  
24 YAWN TO WIDE OR WHEN I BRUSH MY TEETH. FROM BEING  
25 PUNCHED IN THE JAW, I HAD TROUBLE BREATHING FOR WEEKS  
26 FROM BEING HIT ON THE BACK WHEN THE DEFENDANT PETERSON  
27 DROVE HIS BATON INTO MY BACK LIKE A STAKE AND THEN  
28 JUMPED DOWN ON MY BACK WHILE I LAID ON THE GROUND.

1 MY WRIST GO NUMB AND I HAVE TO STOP WHATEVER IM DOING  
 2 TO WORK THE NUMBNESS AWAY. AND THE PAIN FROM MY  
 3 RIGHT WRIST UP TO MY ELBOW IS CONSTANT. MY BODY IS  
 4 LEFT WITH LASTING MARKS FROM THIS ASSAULT ON ME. MY  
 5 WRIST HAVE THE SCARS FROM THE HAND CUFF'S. BOTH MY  
 6 ACHILLES HEELS HAVE THE SCAR'S FROM THE LEG IRONS THAT  
 7 CUT INTO MY ACHILLES TENDON AND TWO SCARS REMAIN IN  
 8 THE SHAPE OF CIRCLES ON MY BACK. I WAS HUMILIATED  
 9 AND ~~INTREATED~~ AS IF I HAD NO VALUE AT ALL AS A HUMAN  
 10 BEING. I WAS TORTURED PHYSICALLY AND MENTALLY.

### 11 RELIEF

12  
 13 A: ISSUE AN INJUNCTION ORDERING THE DEFENDANTS  
 14 THERE AGENTS TO:

- 15 1. IMMEDIATELY ARRANGE FOR THE PLAINTIFFS TO  
 16 BE SEEN BY A NEUROLOGY SURGEON TO HAVE  
 17 CORRECTIVE SURGERY.
- 18 2. IMMEDIATELY ARRANGE FOR THE PLAINTIFFS  
 19 NEED FOR PHYSICAL THERAPY OR OTHER FOLLOW  
 20 UP MEDICAL TREATMENT TO BE EVALUATED BY  
 21 A MEDICAL PRACTITIONER WITH EXPERTISE IN  
 22 TREATMENT AND RESTORATION OF FUNCTION OF  
 23 ULNAR NERVES.
- 24 3. CARRY OUT WITHOUT DELAY THE TREATMENT  
 25 DIRECTED BY SUCH MEDICAL PRACTITIONER
- 26 4. EXPUNGE THE DISCIPLINARY CONVICTION DESCRIBED  
 27 IN THIS COMPLAINT.

28

- 1 B. ISSUE A DECLATORY JUDGEMENT THAT;  
2 1). THE RETALIATION AGAINST THE PLAINTIFF  
3 WAS UNCONSTITUTIONALLY PROHIBITED.  
4 2). DOUBLE CELLING IS NOT MANDATED BY  
5 THE U.S. CONSTITUTION. AND RETALIATING  
6 AGAINST THE PLAINTIFF FOR EXERCISING  
7 HIS CONSTITUTIONAL RIGHT UNDER THE  
8 EIGHTH AMENDMENT WHEN HE REFUSE  
9 TO DOUBLE CELL COMPOUNDED THE EIGHTH  
10 AMENDMENT VIOLATION.  
11 3). THE DOUBLE CELLING POLICY IS UNCONSTITUTIONAL AND UNENFORCEABLE. AND AN  
12 UNDERGROUND POLICY AS DEFINED IN  
13 TITLE 1, CALIFORNIA CODE OF REGULATIONS  
14 SECTION 250. AND APPLY THE JUDGEMENT  
15 RETROACTIVELY TO ALL INMATES SIMILARLY  
16 SITUATED WHO HAVE ALSO BECOME VICTIMS  
17 OF UNCONSTITUTIONAL RETALIATION FOR  
18 REFUSING TO DOUBLE CELL.  
19

20 C. AWARD COMPENSATORY DAMAGES IN THE FOLLOWING  
21 AMOUNTS;

- 22 1). \$100000 ONE HUNDRED THOUSAND DOLLARS  
23 JOINTLY AND SEVERALLY AGAINST DEFENDANTS  
24 J. PETERSON, C. SPEAKER AND M.D. BULLOCK  
25 FOR THE PHYSICAL AND EMOTIONAL INJURIES  
26 SUSTAINED AS A RESULT OF THE PLAINTIFF BEING  
27 BEATEN BY THESE DEFENDANTS. VIOLATING THE  
28 PLAINTIFF'S CONSTITUTIONAL RIGHTS.



- 2). \$50,000 FIFTY THOUSAND DOLLARS JOINTLY AND SEVERALLY AGAINST DEFENDANTS S.L. THOMPSON, J. McBRIDE, D.A. CHRIST AND G. KELLY. FOR THE PHYSICAL AND EMOTIONAL INJURIES RESULTING FROM THEIR FAILURE TO STOP THE BEATING.
- 3). \$50,000 FIFTY THOUSAND DOLLARS AGAINST THE DEFENDANT J.T. PATCH FOR FAILURE TO PROVIDE MEDICAL TREATMENT.
- 4). \$100,000 ONE HUNDRED THOUSAND DOLLARS JOINTLY AND SEVERALLY AGAINST DEFENDANTS M. COOK, J. AKIN, J. MOULTON, K. CRUSE AND D. MANDEL. FOR VIOLATING THE PLAINTIFFS FIRST & EIGHTH AMENDMENT RIGHTS AND COURT ORDERS UNDER BOTH MADRID V. TILTON, C-90-3094 T.E.H. COLEMAN V. SCHWARZENEGGER.
- 5). \$100,000 ONE HUNDRED THOUSAND DOLLARS JOINTLY AND SEVERALLY AGAINST DEFENDANTS K. GETZ, J. BROWN, S. LUCKETT AND R. TUPY. FOR RETALIATING AGAINST THE PLAINTIFF FOR THE EXERCISE OF CONSTITUTIONAL RIGHTS.
- 6). \$100,000 ONE HUNDRED THOUSAND DOLLARS AGAINST THE DEFENDANT WRIGHT FOR RETALIATING AGAINST THE PLAINTIFF FOR EXERCISE OF HIS CONSTITUTIONAL RIGHTS AND THROWING AWAY THE PLAINTIFFS LEGAL MAIL.

1 D. AWARD PUNITIVE DAMAGES AGAINST EACH DEFENDANT  
 2 LISTED HERE IN THE AMOUNT OF \$50,000 FIFTY THOUSAND  
 3 DOLLARS; AGAINST: J. AKIN,

4 J. PETERSON, C. SPEAKER, M.D. BULLOCK, M. COOK

5 K. CRUSE, J. MOULTON, D. MANDEL AND S. WRIGHT.

6 \$20,000 TWENTY THOUSAND DOLLARS AGAINST EACH  
 7 DEFENDANT LISTED HERE;

8 S.L. THOMPSON, J. McBRIDE, D.A. CHRIST, G. KELLY,

9 K. GETZ, J. BROWN, S. LUCKETT, R. TUPY.

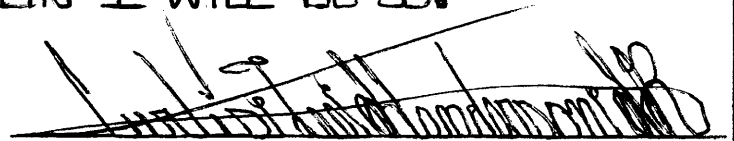
10 \$10,000 TEN THOUSAND DOLLARS AGAINST THE  
 11 DEFENDANT. J.T. PATCH.

12 E. AWARD NOMINAL DAMAGES AND OTHER SUCH  
 13 RELIEF AS IT MAY APPEAR THE PLAINTIFF IS  
 14 INTITLED TO AS DEEMED NECESSARY BY THE COURT.

15  
 16 THIS COMPLAINT IS THE SWORN AFFIDAVIT  
 17 OF THE PLAINTIFF CURTIS LEE HENDERSON SR. DECLARED UNDER  
 18 PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
 19 CALIFORNIA THAT THE FORGOING IS TRUE AND CORRECT AND  
 20 THOSE MATTERS STATED ON GOOD FAITH AND BELIEF TO BE  
 21 TRUE AND CORRECT AS WELL. AND IF CALLED TO TESTIFY ON  
 22 THE MATTERS STATED HEREIN I WILL DO SO.

23  
 24 2-22-08

25 DATED

26  
 27   
 28 CURTIS LEE HENDERSON SR

//

//

PROOF OF SERVICE

I CURTIS LEE HENDERSON SR. DECLARE THAT I AM  
THE PLAINTIFF IN THE ABOVE ENTITLED CASE MY ADDRESS IS P.O.  
BOX 3481 CORCORAN CALIFORNIA 93212 AND I SERVED THE  
DOCUMENT LISTED HERE SECOND AMENDED COMPLAINT ON THE  
FOLLOWING,

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIF  
1301 CLAY STREET 400 S. TOWER  
OAKLAND CALIF 94612-5212

BY PLACING SAID DOCUMENT IN A SEALED ENVELOPE WITH  
POSTAGE PREPAID.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE  
LAWS OF THE STATE OF CALIFORNIA THAT THE FORGOING IS TRUE  
AND CORRECT.

2-25-08

DATED



CURTIS LEE HENDERSON SR

//

//

//

//